

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

**WALLY EUISUK HWANG and JUNG HAX
HWANG**

Plaintiff,

v.

**LAWRENCE DODD, DODD TRUCKING,
LLC, DOLPHIN TRUCKING CORP.,
TETYANA PAVLENKO,**

Defendants.

: Civil Action No.

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NOTICE OF REMOVAL

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Pursuant to 28 U.S.C. § 1332(a) and 28 U.S.C. § 1441(b), defendants Lawrence Dodd and Dodd Trucking, LLC (collectively, the “Dodd defendants”), by and through its undersigned counsel, hereby removes to the United States District Court for the District of New Jersey the case captioned Wally Euisuk Hwang and Jung Ha Hwang v. Lawrence Dodd, Dodd Trucking, LLC, Dolphin Trucking Corp., Tetyana Pavlenko, now pending in the Superior Court of New Jersey, Middlesex County, Docket No. MID-L-004280-22, and as grounds for removal states as follows:

I. NATURE OF ACTION

1. This action arises out of an alleged motor vehicle accident that occurred in Woodbridge Township, NJ on September 26, 2020. See Complaint, attached hereto at Exhibit A.

2. On August 25, 2022, plaintiff filed a Complaint against the Dodd defendants in the Superior Court of New Jersey, Middlesex County. See Id.

3. Pursuant to 28 U.S.C. § 1446(b)(1), this Notice of Removal is being filed within thirty days of receipt of the Complaint by the Dodd defendants.

4. Pursuant to 28 U.S.C. § 1446(a), all process, pleadings, and orders received by the Dodd defendants are attached. See Exhibit A.

II. THE ADVERSE PARTIES ARE COMPLETELY DIVERSE

5. As stated in plaintiffs' Complaint, plaintiffs, Wally Hwang ("Wally") and Jung Hwang ("Jung") are citizens of the state of Pennsylvania, with an address of 225 East Manoa Road, Havertown, PA. See Exhibit A.

6. Defendant Dodd Trucking, LLC is an Arizona corporation with a principal place of business at 3111 S 77th Drive, Phoenix, AZ 85043. A corporation is considered to be a citizen of its state of incorporation and the state where it has its principal place of business. 28 U.S.C. § 1332(c)(1). Dodd Trucking LLC, therefore, is a citizen of Arizona.

7. Defendant Lawrence Dodd is a citizen of Arizona, with an address of 3111 S 77th Drive, Phoenix, AZ 85043.

8. Upon information and belief, defendant Dolphin Trucking Corp. is an Illinois corporation with a principal place of business at 14905 S. Woodcrest Avenue, Homer Glen, IL 60491. Therefore, Dolphin Trucking Corp, is a citizen of Illinois.

9. Upon information and belief, defendant Tetyana Pavlenko is a citizen of Illinois, with an address of 14905 S. Woodcrest Avenue, Homer Glen, IL 60491.

10. Therefore, there is complete diversity of citizenship between plaintiffs and defendants.

11. 28 U.S.C. § 1441(b)(2) provides that "[a] civil action otherwise removable solely on the basis of the jurisdiction under section 1332(a) of this title may not be removed if any of the parties in interest properly joined and served as defendants is a citizen of the State in which such action is brought."

III. THE AMOUNT IN CONTROVERSY EXCEEDS \$75,000

12. Under 28 U.S.C. § 1332(a), federal jurisdiction based on diversity of citizenship requires that the amount in controversy exceed \$75,000, exclusive of interest and costs.

A. Plaintiff Wally

13. In the Complaint, plaintiff Wally alleges that as a result of the accident, he suffered “persistent pain and limitation, and therefore, avers that his injuries may be of a permanent nature, causing residual problems for the remainder of his lifetime.” See Exhibit A at Count I ¶ 10.

14. He also alleges that he suffered “physical pain, mental anguish, and loss enjoyment of life” and has incurred unreimbursed medical expenses.” See Exhibit A at Count I ¶ 11-12.

15. In addition, plaintiff Wang alleges the following injuries: disc herniation at L4-5, disc protrusion with annular tear at L3-4, disc protrusion with annular tear at L5-S1, disc protrusion at L2-3 and L1-2 with peripheral annular tear at the L2-3 level, cervicalgia, sciatica, and lumbar sprain/strain. See Exhibit A at Count I ¶ 9.

16. Although the Dodd defendants dispute plaintiff Wally’s allegations, the amount in controversy is in excess of \$75,000, excluding interest and costs.

B. Plaintiff Jung

17. In the Complaint, plaintiff Jung alleges that as a result of the accident, she suffered “persistent pain and limitation, and therefore, avers that his injuries may be of a permanent nature, causing residual problems for the remainder of his lifetime.” See Exhibit A at Count II ¶ 3.

18. She also alleges that he suffered “physical pain, mental anguish, and loss enjoyment of life” and has incurred unreimbursed medical expenses.” See Exhibit A at Count II ¶ 4-5.

19. In addition, plaintiff Jung alleges the following injuries: cervicalgia, lumbar radiculopathy, sprain and strain of the cervical spine, thoracic spine and lumbar spine, and a left ankle injury. See Exhibit A at Count II ¶ 2

20. Although the Dodd defendants dispute plaintiff Jung's allegations, the amount in controversy is in excess of \$75,000, excluding interest and costs

WHEREFORE, the Dodd defendants respectfully requests that the action described herein now pending in the Superior Court of New Jersey, Middlesex County, be removed to this Court.

Respectfully submitted,

BY: /s/ Mina Miawad
Mina Miawad, Esq.
ID No. 245462017
LANDMAN CORSI BALLAINE & FORD P.C.
One Gateway Center, 22nd Floor
Newark, NJ 07102
Attorneys for Defendants
Lawrence Dodd and Dodd Trucking, LLC

Dated: October 12, 2022

CERTIFICATION PURSUANT TO LOCAL RULE 11.2

I hereby certify that the matter in controversy in this action is not now known to be the subject of any other action pending in any court or of any pending arbitration or administrative proceeding.

BY: /s/ *Mina Miawad*
Mina Miawad, Esq.
ID No. 245462017
LANDMAN CORSI BALLAINE & FORD P.C.
One Gateway Center, 22nd Floor
Newark, NJ 07102
Attorneys for Defendant
Lawrence Dodd and Dodd Trucking, LLC

Dated: October 12, 2022

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FOR THE DISTRICT OF NEW JERSEY**

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v.	:	
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LAWRENCE DODD, DODD TRUCKING, LLC, DOLPHIN TRUCKING CORP., TETYANA PAVLENKO,	:	
	:	
Defendants.	:	
	:	
	x	

DECLARATION

I, Mina Miawad, of full age, declare as follows pursuant to 28 U.S.C. § 1746:

1. I am an attorney with the firm of Landman Corsi Ballaine & Ford P.C., attorneys for defendants Lawrence Dodd and Dodd Trucking, LLC (the “Dodd defendants”) in the above matter.

2. On October 12, 2022, I served a copy of defendant’s Notice of Removal with supporting documents via regular mail, postage prepaid, and email upon the following:

Jay L Solnick, Esq.
SOLNICK & ASSOCIATES, LLC
2851 Limekiln Pike
Glenside PA 19038

I hereby declare under penalty of perjury that the foregoing is true and correct.

BY: /s/ Mina Miawad
Mina Miawad, Esq.
ID No. 245462017

LANDMAN CORSI BALLAINE & FORD P.C.
One Gateway Center, 22nd Floor
Newark, NJ 07102
Attorneys for Defendant
Lawrence Dodd and Dodd Trucking, LLC

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